

238 South Wolfe Street
Baltimore, MD 21231
October 25, 2007



Commissioner of Patents and Trademarks
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Alicia M. Torres

Dear Ms. Torres,

I am submitting these papers in response to your non-final Office Action, mailed on August 2, 2007, rejecting all claims of U.S. Patent Application No. 10/715,192 (the '192 application). Enclosed are an introductory remarks section and a copy of the specification and claims as currently amended or previously presented. No new matter is contained in this response.

Specification – New Matter

In your last Office Action you objected to the specification of the '192 application on grounds that new matter was introduced therein with the latest amendment dated June 20, 2007. You cited the following material as grounds for this objection:

1. The narrowing of the angular range of the drive shafts from vertical from a range of 1-90° to a range of 5-90° at paragraph [0010], lines 5 and 7;
2. The option of differential power to the drive shafts at paragraph [0022], line 6.

The applicants agree to cancel this subject matter from the specification, and the claims have been appropriately amended to reflect this cancellation as well.

Claim Rejections – 35 U.S.C § 112

You rejected Claims 18 and 20-38 due to the introduction new matter as discussed above. The applicants agree to cancel the new matter to overcome this rejection.

You also rejected Claim 26 due to the presence of conflicting transitional phrases, "consisting of a hybrid power source comprising an engine and a motor." This conflict has been corrected with the attached claim amendments.

Claim Rejections – 35 U.S.C § 103

The claims of the '192 have been amended in order to read over U.S. Pat. No. 2,478,558 in order to read over the cited combinations of the '558 patent with the others cited in your last Office Action. Specifically, I have employed the suggestions of you and Tom Will made during our interview on October 12, 2007 in view of the claim amendments I proposed at that time.

The major substantive amendments have been made to claims 18 and 20 of the '192 application and are submitted herewith. The specification has also been amended as appropriate to better reflect the subject matter of the claims as required by 35 U.S.C. § 112.

Claim 18, the only independent claim of the '192 application, now claims an adjustable assembly comprising a grass guide in combination with a mounting means for a power means as well as a plurality of drive shafts and blades. The drive shafts remain substantially parallel with the grass guide throughout a range of adjustment of 1 to 90 degrees from vertical. When set horizontally (90 degrees from vertical), the shafts extend just beyond the rear-most point of the grass guide so that the cutting blades which are mounted to the ends of the drive shafts do not contact the grass guide during rotation. A means is also provided for adjusting the angle of the overall assembly, and thus its components, and temporarily fixing the angle to limit the cutting area of the blades. The '558 patent does not disclose components in this arrangement or provide for the type of adjustment that exists for the invention of the '192 application. Since combinations used to reject claims under 35 U.S.C. § 103(a) must disclose every element of the claim to be rejected, the failure of the '558 patent to disclose the features claimed in the currently amended '192 application overcomes all of the rejections made on this basis in the last Office Action, since the '558 patent is used in every combination relied upon for rejection of the '192 application claims. The claim amendments submitted herewith will support this argument.

Since claim 18 is the only independent claim of the '192 application and the amendment submitted herewith overcomes the rejection of claim 18 based on the combination of the '558 patent with U.S. Pat. No. 5,007,234, rejections of all claims depending from claim 18 (that is, all other claims) is also overcome with the current amendment. However, claim 20 has been amended in order to better claim the original version of the '192 application invention captured in the drawings. Specifically, an arched housing and adjustment plate combination are described with better particularity in order to illustrate one possible means for angular adjustment of the grass guide in combination with the other features of the rotary cutting apparatus. Amended drawings have also been submitted that provide an additional reference character discussed in the amended specification. This should provide better clarity and bring the application into compliance with 35 U.S.C. § 112. Finally, a few of the more redundant claims have been canceled and their subject matter combined into other claims. These amendments are minor and you will notice them as you go through the application.

The total number of pages enclosed in this submission, including Forms PTO/SB/30 and PTO/SB/92, is 23. If you have any questions regarding the above remarks or any part of the amended application submitted herewith, please do not hesitate to contact me at 410-409-4289, or via email at wordlloyd@comcast.net.

Sincerely,



Steven S. Lloyd
Registered Patent Agent No. 56,650

10/25/07
Date

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